

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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SAL MENDEZ,

Plaintiff,

VS.

ADT LLC, d/b/a ADT SECURITY SERVICES,

Defendant.

2:17-cv-02408-RFB-VCF

ORDER

Before the court is the Motion for Extension of Time to Serve Documents (ECF No. 4).

The complaint was filed on September 14, 2017. (ECF No. 1). The last day to effectuate service of process is December 13, 2017. On January 4, 2018, Plaintiff file the instant motion seeking to extend the deadline to effectuate service due to counsel's staff error. *Id.*

Extension For Service

Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed. If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Failure to serve defendant due to staff error is not strong grounds for showing good cause.

The entire thrust of federal practice and procedure is predicated on four core concepts: justice, speed, the inexpensive determination of every action, and truth. *See FED. R. CIV. P. 1* (stating that the rules “should be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding”). In taking Rule 1 into consideration, the Court would rather decide the Complaint based on merit than a technicality. However, Plaintiff must be mindful of all future deadlines.

1 Accordingly,

2 IT IS HEREBY ORDERED that the Motion for Extension of Time to Serve Documents (ECF No.
3 4) is GRANTED. Plaintiff has until January 29, 2018 to effectuate service of process on Defendant.

4 DATED this 12th day of January, 2018.



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6 CAM FERENBACH
7 UNITED STATES MAGISTRATE JUDGE
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